

REMARKS

The Pending Claims

Claims 14-24 and 27-30 are currently pending and are directed to a hang tag that is capable of automatically and permanently being attached to an elongated object by a machine having at least one jaw suitable for applying a securement strap to an object. The hang tag comprises a first surface, a second surface, and a slot defined therebetween. The slot has minimum dimensions of at least about 0.25 inches by about 1 inch and is thus large enough to be capable of permitting the jaw to travel through the slot so that the securement strap can be threaded through the slot automatically by the jaw of the machine. Reconsideration of the pending claims is respectfully requested.

Summary of the Office Action

Claims 14-20, 23, 24, and 27-29 stand rejected under 35 U.S.C. § 102(e) as anticipated by Cohen (i.e., U.S. Patent 5,947,672). Claims 21, 22, and 30 stand rejected under 35 U.S.C. § 103(a) as obvious over Cohen alone or in combination with Machlica (i.e., U.S. Patent 5,910,353).

Discussion of Anticipation and Obviousness Rejections

The anticipation and obviousness rejections are moot in view of the submission of a declaration under 37 C.F.R. § 1.131 by Christopher Doerr. The Doerr declaration establishes that the claimed subject matter was conceived and reduced to practice before the publication date of Cohen, which has been cited as prior art in rejection claims 14-24 and 27-30 under 35 U.S.C. §§ 102(e) and 103(a). Cohen has a filing date of June 10, 1998, as shown on the face of the patent. Machlica does not disclose a hang tag comprising a first surface, second surface, and a slot defined therebetween, as recited in the pending claims.

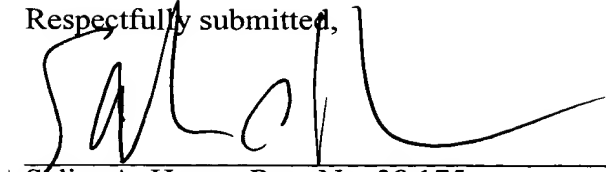
Since Cohen is not prior art to the invention recited in the pending claims, and since Machlica fails to disclose a hang tag as recited in the pending claims, the rejections under 35 U.S.C. §§ 102(e) and 103(a) are improper and should be withdrawn.

Conclusion

The application is considered in good and proper form for allowance, and the Examiner is respectfully requested to pass this application to issue. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

In re Appln. of Doerr et al.
Application No. 09/771,430

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Salim A. Hasan', written over a horizontal line.

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